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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,594	07/25/2003	Yasushi Nakashima	67161-077	9763
7590	01/10/2005		EXAMINER	
McDermott, Will & Emery 600 13th Street, N.W. Washington, DC 20005-3096			TRAN, MAI HUONG C	
			ART UNIT	PAPER NUMBER
			2818	

DATE MAILED: 01/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/626,594	NAKASHIMA ET AL.	
	Examiner	Art Unit	
	Mai-Huong Tran	2818	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 July 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,3,4,6,7,9 and 10 is/are rejected.
- 7) Claim(s) 2,5 and 8 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 7/25/03.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Specification

The specification is objected to for the following reasons.

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed (see MPEP § 606.01).

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3-4, 6-7, and 9-10 are rejected under 35 U.S.C. 103 (a) as being unpatentable over U.S. Patent No. 6,479,860 to Ohbayashi in view of the remark.

Regarding to claims 1 and 3-4, 6-7, and 9-10, Ohbayashi discloses a semiconductor memory device having a plurality of memory cells arranged in an array, comprising a flip-flop (col. 5, lines 35-40) of the memory cells having a pair of inverters (col. 5, lines 28-30) formed of driver MOS transistors Q1, Q2 and load elements Q3, Q4;

a pair of access MOS transistors Q5, Q6 of memory cells electrically connected to input nodes of the inverters respectively; an interlayer insulation film (col. 6, lines 4-6) covering the access MOS transistors and the driver MOS transistors; a pair of capacitive elements 13a, 13b of the memory cells formed on the interlayer insulation film and electrically connected to the input nodes of the inverters; a word line (col. 5, lines 65-67) electrically connected to gate electrodes of the pair of access MOS transistors and extending in the same direction as an extending direction of gate electrodes of the driver MOS transistors and disposed between the gate electrodes of the driver MOS transistors; a pair of active region patterns (col. 5, lines 51-55) formed by integrating a pair of active regions of the access MOS transistors with a pair of active regions of driver MOS transistors and extending in a direction orthogonal to an extending direction of the word line; and a pair of bit lines (col. 7, lines 47-52) extending in a direction orthogonal to the extending direction of the word line and electrically connected to active regions of the access MOS transistors respectively as set forth in col. 5, lines 15-67, cols. 6-11.

However, Ohbayashi does not disclose a length of the memory cells in the extending direction of the word line is longer than that in an extending direction of the bit lines.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to form a length of the memory cells in the extending direction of the word line is longer than that in an extending direction of the bit lines. Also, the intended use limitation (a length of the memory cells in the extending direction of the word line is

longer than that in an extending direction of the bit lines) does not structurally distinguish the claimed invention over reference 6,479,860.

Allowable Subject Matter

Claims 2, 5 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mai-Huong Tran whose telephone number is (571)272-1796. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nelms can be reached on (571)272-1787. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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